REMARKS

Responsive to the Non-Final Office Action on the merits mailed December 22, 2010, Applicants have studied the Examiner's comments. Claims 1-26 and 43-58 were pending. Claims 1-4, 10-11, 13 and 17 have been amended. Claims 43-58 have been cancelled without prejudice to filing a divisional application. Claims 59-65 have been added. Claims 1-26 and 59-65 remain in the application with only claims 1, 59 and 62 being in independent form. In view of the following remarks, Applicants respectfully submit that the application is now in condition for allowance.

Restriction Requirement

The Office Action required restriction of the claims 43-58, stating the following:

Newly submitted claims 43-58 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons:

Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

1.   Group I, claims 1-26 drawn to corporate travel reporting, classified in class 705, subclass 5.

2.   Group II, claims 43-58, drawn to electronic exchanges, classified in class 705, subclass 5.

3.   The groups of inventions listed above do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons:

Vance et al, U.S. Pre-Grant Publication No. 2006/0212321 A1 teaches a corporate travel information system which aggregates travel data from various formats into a common format for interested parties (see para. 59 and 82).

Applicant has added new claims, 43-47, whose subject matter has been previously indicated as being directed to distinct or independent inventions and made the dependency of these claims from base claim 1 of the elected invention. Accordingly, claims 1-26 are still considered readable thereon and will be examined, as they further limit aspects of the previously elected invention. However, unlike the above, claims 43-47, as well as newly added

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claims 48-58 remain directed to a process that is independent and distinct from the elected invention for reasons already on the record. Claims 43-58 are therefore withdrawn from consideration as being directed to a non-elected invention.

Claims 43-58 have been cancelled without prejudice to filing a divisional application.

Claim Objections

The Office objected to claim 1 stating the following:

> Claim 1 is objected to because of the following formalities: Claim 1 recites the limitation "wherein said step of supplying data **including** supplying analysis of travel spending." The Examiner is in interpreting the limitation as, "wherein said step of supplying data **includes** supplying analysis of travel spending". Appropriate correction is required.

Claim 1 has been amended to address the objection, and is now in condition for allowance.

Claim Rejections – 35 U.S.C. § 112

The Office rejected claims 2, 10-11, 13, and 17 stating the following:

> Claims 2, 10-11, 13, and 17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
>
> The term "substantially simultaneously" in claims 2 and 10-11 is a relative term which renders the claim indefinite. The term "substantially simultaneously" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. For Examination purposes, the Examiner is interpreting the occurrence of "consolidating and supplying"; "consolidating and receiving" as meeting the limitations of the claim.

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Claim 13 recites the limitation, "wherein said step of supplying is through a display having multiple formats". It is unclear if Applicant is referring to the software of the display of the physical display itself.

The term "enhances" in claim 17 is a relative term which renders the claim indefinite. The term "enhances" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

The Office rejected claims 2, 10-11, 13, and 17 as being indefinite. Of the claims rejected, none are in independent form.

Claims 2, 10-11, 13, and 17 have been amended to address the rejections, and are now in condition for allowance.

Claim Rejections – 35 U.S.C. § 103

The Office rejected claims 1-26, stating the following:

Claims 1-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fredericks et al. U.S. Pre-Grant Publication No. 2004/0167808 A1 in view of Krishnan et al. U.S. Patent No. 7,383,272 B1.

As per Claim 1, Fredericks teaches receiving travel and credit card electronic data from the multiple electronic data sources with a computer processor (see para. 24-25 & 44);

consolidating the electronic data from the sources with said processor (see para. 29); identifying a portion of the consolidated electronic data that a user is entitled to receive (see para. 71); and supplying said portion of consolidated data to said user with said processor (see para. 71); **Fredericks does not explicitly teach the limitation taught by Krishnan wherein said supplying data includes supplying analysis of travel spending (see Col. 9 lines 36-48).** It would have been prima facie obvious to one of ordinary skill in the art at the time of invention to modify the method of Fredericks to include the teachings of Krishnan to graph a trend of employee spending habits.

As per Claim 2, Fredericks in view of Krishnan teaches the method of claim 1 as described above. Fredericks further teaches wherein

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the steps of consolidating and supplying occur occurs substantially simultaneously (see para. 71)

As per Claim 3, Fredericks in view of Krishnan teaches the method of claim 1 as described above. Fredericks further teaches wherein said portion of said consolidated electronic data supplying further includes data for travel issues (see para. 29).

As per Claim 4, Fredericks in view of Krishnan teaches the method of claim 1 as described above. Fredericks further teaches wherein said portion of said consolidated electronic data supplying further includes data for contract/audit issues (see para. 28).

As per Claim 5, Fredericks in view of Krishnan teaches the method of claim 1 as described above. Fredericks further teaches wherein said sources include one or more corporate card providers, travel agency service providers, and ancillary travel service providers (see para. 26).

As per Claim 6, Fredericks in view of Krishnan teaches the method of claim 5 as described above. The cited portion of claim 5 meets the limitation of this claim, as the limitations of claim 5 are presented in the alternative.

As per Claim 7, Fredericks in view of Krishnan teaches the method of claim 5 as described above. Fredericks further teaches, wherein corporate card providers include corporate card data sources (see para. 26 and 45).

As per Claim 8, Fredericks in view of Krishnan teaches the method of claim 5 as described above. The cited portion of claim 5 meets the limitation of this claim, as the limitations of claim 5 are presented in the alternative.

As per Claim 9, Fredericks in view of Krishman teaches the method of claim 5 as described above. The cited portion of claim 5 meets the limitation of this claim, as the limitations of claim 5 are presented in the alternative.

As per Claim 10, Fredericks in view of Krishnan teaches the method of claim 5 as described above. Fredericks further teaches wherein said steps of consolidating and receiving are is [sic] done substantially simultaneously (see para. 68).

As per Claim 11, Fredericks in view of Krishnan teaches the method of claim 10 as described above. Fredericks further teaches wherein said steps of supplying occurring substantially

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simultaneously with said steps of consolidating and receiving (see para. 68 and 71).

As per Claim 12, Fredericks in view of Krishnan teaches the method of claim 1 as described above. Fredericks further teaches wherein said supplying is performed through a display available to at least one of the business units (see para 71).

As per Claim 13, Fredericks in view of Krishnan teaches the method of claim 1 as described above. Fredericks further teaches wherein said step of supplying is through a display having multiple formats (see para. 40).

As per Claim 14, Fredericks in view of Krishnan teaches the method of claim 1 as described above. Fredericks further teaches wherein said step of supplying indicates the travelers who have potentially deviated from a policy of the business unit (see para. 69).

As per Claim 15, Fredericks in view of Krishnan teaches the method of claim 1 as described above. Fredericks further teaches wherein said step of supplying of consolidated data highlights includes pricing errors (see claim 29).

As per Claim 16, (Fredericks in view of Krishnan teaches the method of claim 1 as described above. Fredericks further teaches wherein said supplying of consolidated data indicates any traveler who has deviated from the planned itinerary of the traveler (see para. 28).

As per Claim 17, Fredericks in view of Krishnan teaches the method of claim 1 as described above. Fredericks further teaches wherein said step of supplying of enhances travel budget planning (see para. 27).

As per Claim 18, Fredericks in view of Krishnan teaches the method of claim 1 as described above. Fredericks further teaches wherein said step of supplying of identifies at least one of new destinations, pre-travel approvals, policy exceptions of all travelers, real time tracking of expenditures, requirements for supplier contracts and analysis relative to the current travel, performance measurement, and individual information of a specific traveler (see para. 71).

As per Claim 19, Fredericks in view of Krishnan teaches the method of claim 1 as described above. Fredericks further teaches wherein said supplying is performed through one or more computer networks formed by at least one business unit and at

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least some of each of the travelers, management and suppliers and wherein the suppliers include credit card companies (see para. 45, 53 and 71).

As per Claim 20, Fredericks in view of Krishnan teaches the method of claim 1 as described above. Fredericks further teaches wherein said step of supplying includes the step of sorting the data (see para. 71).

As per Claim 21, Fredericks in view of Krishnan teaches the method of claim 20 as described above. Fredericks further teaches wherein said step of supplying includes the step of aggregating the data (see para. 71).

As per Claim 22, Fredericks in view of Krishnan teaches the method of claim 1 as described above. Fredericks further teaches wherein said step of supplying of the data includes determining rights to review the data (se para. 71).

As per Claim 23, Fredericks in view of Krishnan teaches the method of claim 1 as described above. Fredericks further teaches wherein there is included the step of calculating real time metrics from said consolidated electronic the data.

As per Claim 24, Fredericks in view of Krishnan teaches the method of claim 1 as described above. Fredericks further teaches wherein there is further included the step of: initiating travel transactions (see para. 22).

As per Claim 25, Fredericks in view of Krishnan teaches the method of claim 1 as described above. Fredericks further teaches wherein said step of initiating travel transactions originates from a display unit used for said step of supplying (see para. 71, the Examiner is interpreting the display unit used by the traveler as a display unit used to supply the travel data to a manager).

As per Claim 26, Fredericks in view of Krishnan teaches the method of claim 1 as described above. Fredericks further teaches wherein the suppliers include at least one of any GDSs, travel agencies, credit card companies, and alternate travel data sources (see para. 66).

(bold added)

The Office rejected claims 1-26 under 35 U.S.C. 103(a) as being unpatentable over Fredericks et al. Pub. No. U.S. 2004/0167808 in view of Krishnan et al. U.S. Pat. No. 7,383,272.

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Applicants respectfully assert that the '272 Krishnan patent is <u>not</u> a prior art reference. 35 U.S.C. 103(a) requires that the '272 Krishnan patent be <u>prior art</u> under 35 U.S.C. 102. *See Riverwood Intern. Corp. v. R.A. Jones & Co., Inc.*, 324 F.3d 1346, 1354 (Fed. Cir. 2003) ("The term 'prior art' as used in section 103 refers at least to the statutory material named in 35 U.S.C. § 102"). However, the '272 Krishnan patent is <u>not</u> prior art under 35 U.S.C. 102. Krishnan was filed on <u>May 3, 2004</u>. The present application is a U.S. national stage entry from a PCT application filed on February 16, 2005, and has a priority claim to a U.S. provisional application filed on <u>February 17, 2004</u>. (*See* MPEP 706.02 § VI [determination of effective filing date]; MPEP 706.02(a) [". . . effective filing date of the application must be determined and compared with the date of the reference."]) Krishnan is <u>not</u> prior art since Krishnan was filed <u>after</u> the effective filing date of the present application. The Examiner <u>admits</u> that "Fredericks does not explicitly teach the limitation taught by Krishnan wherein said supplying data includes supplying analysis of travel spending." Therefore, the § 103(a) rejection should be withdrawn.

Even if the '272 Krishnan patent were a prior art reference, which Applicants' respectfully deny, neither the '808 Fredericks publication nor the '272 Krishnan patent disclose:

1.   A travel and credit card data management method for use with travel electronic data and credit card electronic data from multiple <u>real time</u> electronic sources . . . ; <u>receiving</u> the travel electronic data and the credit card electronic data <u>in real time</u> from the multiple electronic data sources with a computer processor; <u>matching in real time</u> the credit card electronic data to the travel electronic data for each of the trips taken by each of the travelers; <u>consolidating in real time</u> the travel electronic data and the credit card electronic data from the sources with said processor; <u>determining in real time</u> a variance for each of said matched credit card electronic data and travel electronic data for each of the trips taken by each of the travelers; <u>identifying in real time</u> a portion of the consolidated electronic data that a user is entitled to receive; <u>supplying in real time</u> said portion of consolidated data to said user with said processor; wherein said step of supplying includes supplying a <u>first analysis</u> of travel spending for said first trip including said first travel expense and said first variance while <u>simultaneously supplying a second analysis</u> of all of said travel expenses for all of said travelers of said first business unit. **(See amended independent claim 1).** The support for the amendment is in the specification as follows: "The present invention comprises a travel and credit card data management system whereby each system user as a single customer utilizes a single computer terminal to view and analyze <u>real time</u> corporate travel and credit card data for multiple business units and multiple travelers. The system consolidates data flowing electronically from multiple electronic data sources and multiple suppliers." (¶ 21; underlining added). "The consolidating computer system aggregates all electronic data from each data source, including corporate card providers, travel agency services suppliers, and ancillary travel services providers and presents the information in a variety of formats <u>for instant analysis</u> and complete end-to-end management of travel expenditures . . ." (¶ 22;

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underlining added). "The system is designed to take data feeds from numerous disparate sources (e.g., multiple travel agency booking offices worldwide, online booking sources . . . , etc.) on a <u>real time basis (as transactions occur)</u>. The system automatically completely integrates that data on a <u>real time</u> basis to provide comprehensive data analysis allowing corporations an unprecedented amount of control over their travel program." (¶ 23; underlining added) "Previously no application has been built which integrates travel data and corporate card data on an itinerary-by-itinerary basis, highlighting specific data which is critical to the maintenance of a well run, highly controlled travel program – as well as improving negotiating leverage with travel suppliers." (¶ 102)

In addition to the '808 Fredericks publication <u>not</u> explicitly teaching the limitation of supplying analysis of travel spending, the '808 Fredericks publication also does <u>not</u> disclose using, receiving, matching, consolidating, determining, identifying, <u>or</u> supplying data in <u>real time</u>. The '808 Fredericks publication proposes a method to compare expense report entries with travel records well <u>after</u> the events have occurred to insure that all the data in the expense report matches with the travel data so as to provide an accurate expense report for reimbursement and vendor payment purposes. As stated in the '808 Fredericks publication: "In one embodiment, the method includes: retrieving travel data records corresponding to travel requests; retrieving expense data records reflecting expense transactions; comparing the expense data records to the travel data records; and <u>determining a likelihood that the expense records match the travel data records</u>." (¶ 13; underlining added) "After paying for one or more of the travel events, the traveler submits an <u>expense report</u>. Expense reports serve multiple purposes, including, but not limited to: allowing the employee to be <u>reimbursed</u> for approved out-of-pocket expenses . . ." (¶ 27; underlining added) "In one embodiment, the expense management system receives all the travel and expense data and sends it to the client. The client imports the data <u>to create an expense report</u>, then submits the expense report and the imported travel and expense data is linked to the expense item." (¶ 29; underlining added) Other embodiments are also described, all involving a process of matching travel data well after the events have occurred to create expense reports. As shown in Fredericks FIG. 2: "A traveler 204 uses the client module <u>to create and submit expense reports</u>." (¶ 41; underlining added) Fredericks FIGS. 3 and 4 are flowcharts illustrating proposed scenarios for creating expense reports. "Once the expense report is submitted, expense management steps are performed, such as approving the report . . . <u>The system pays expenses, reimburses the traveler, and pays the corporate card vendor</u>. (¶ 34; underlining added)

The distinction between real time and after the event is significant. For example, it is usually easy for a travel agency to convince a traveler to

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book an airline or hotel which maximizes revenue to the travel agency, but is in conflict with the desires of the business unit. Real time analysis in the present application, unlike in the '808 Fredericks patent, allows for intervention at the point of booking to limit this from occurring. There is no disclosure in the '808 Fredericks patent of even an ability on a post-trip basis to go back in time to determine what might have been available to the traveler at a specific point in history. Real time handling and analysis saves the business unit from spending money unnecessarily.

The '272 Krishnan patent does not propose supplying in real time said portion of consolidated data to said user with said processor; wherein said step of supplying includes supplying a first analysis of travel spending for said first trip including said first travel expense and said first variance while simultaneously supplying a second analysis of all of said travel expenses for all of said travelers of said first business unit. The part of Krishnan relied upon by the Office provides: "For example, the expense report shown in FIG. 6 can be used to generate a graph showing the trend of the employee's expenses across a week or according to the various types of expenses." (col. 9, lns. 42-45; underlining added) In Krishnan FIG. 6, "The isolated information comprises an expense report of an employee for a week. This expense report may be isolated from a database of expenses of every employee versioned by time." (col. 7, lns. 20-25; underlining added) The '272 Krishnan patent does not propose real time analysis of real time data.

2. Initiating a travel booking process by said first traveler for said first trip between a first location and a second location that includes said first travel expense received by said computer processor; wherein said first analysis and is provided in real time by said computer processor to said user immediately after said step of initiating. **(See amended dependent claim 2).** The support for the amended claim is the same as provided in paragraph 1 immediately above for claim 1, and additionally includes the following: "What has never existed is the present invention's technology that provides a comprehensive end-to-end solution for total travel cost and service management. The system is designed to facilitate the rapid maturity within an enterprise to achieve complete travel management driving compliance and the real-time complete visibility and control of non-compliance by giving the management team responsible for travel approvals complete detail regarding both travel policy exceptions that happen during the booking process, as well as flagging travel policy exceptions that that [sic] occur while travelers are en route all in real time, as bookings and en route travel is taking place. The real time aspect is a critical component of the system, in that it gives the travel management team and all authorizers the ability to see what has been done immediately, and gives the management personnel the ability to question the traveler relative to what they are doing and to approve or deny

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expenses at the point of booking or at the point that the exception occurs, as depicted in FIGS. 42 and 43." (¶ 229; underlining added)

In contrast, the '808 Fredericks publication proposes a non-real time "after the fact" method to match expense report data with other travel data to determine consistency for reimbursement and vendor payment purposes. The '808 Fredericks publication does not propose a method that may be used at the point of booking, while en route travel is taking place, or at the point in time that an exception to a predetermined travel criteria occurs.

3.   Comparing in real time said first travel expense with a first travel expense criteria with said computer processor; and displaying said comparison in real time on a computer screen with said computer processor immediately after said step of initiating. **(See amended dependent claim 3).** The support for the new claim is the same as provided above in paragraphs 1 and 2 for claims 1 and 2, respectively. In contrast, the '808 Fredericks publication proposes a non-real time "after the fact" method to match expense report data with other travel data to determine consistency for reimbursement and vendor payment purposes. The '808 Fredericks publication does not propose a method that may be used at the point of booking, while en route travel is taking place, or at the point in time that an exception to a predetermined travel criteria occurs.

4.   Comparing in real time all of said travel expenses for all of said travelers of said first business unit with a second travel expense criteria with said computer processor; and displaying said comparison of all of said travel expenses for all of said travelers of said first business unit with said second travel expense criteria in real time on a computer screen with said computer processor immediately after said step of initiating. **(See amended dependent claim 4).** The support for the new claim is the same as provided above in paragraphs 1 and 2 for claims 1 and 2, respectively. In contrast, the '808 Fredericks publication proposes a non-real time "after the fact" method to match expense report data with other travel data to determine consistency for reimbursement and vendor payment purposes. The '808 Fredericks publication does not propose a method that may be used at the point of booking, while en route travel is taking place, or at the point in time that an exception to a predetermined travel criteria occurs.

5.   A travel and credit card data management method for use with multiple real time corporate travel and credit card electronic data sources . . . ; receiving travel and credit card electronic data in real time from the multiple electronic data sources with a computer processor; consolidating in real time the electronic data from the multiple electronic data sources with said computer processor; initiating a travel booking process by a traveler for travel between a first location and a second location that includes a travel expense received by said computer processor; comparing

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in real time said travel expense with a predetermined travel expense criteria with said computer processor; and displaying said comparison in real time on a computer screen with said computer processor immediately after the step of initiating. **(See new independent claim 59).** The support for the new claim is the same as provided above in paragraphs 1 and 2 for claims 1 and 2, respectively. In contrast, the '808 Fredericks publication proposes a non-real time "after the fact" method to match expense report data with other travel data to determine consistency for reimbursement and vendor payment purposes. The '808 Fredericks publication does not propose a method that may be used at the point of booking, while en route travel is taking place, or at the point in time that an exception to a predetermined travel criteria occurs.

6. A travel and credit card data management method for use with multiple real time corporate travel and credit card electronic data sources . . . ; receiving travel and credit card electronic data in real time from the multiple electronic data sources with a computer processor; consolidating in real time the electronic data from the multiple electronic data sources with said computer processor; incurring a travel expense by a traveler in route between a first location and a second location that is received by said computer processor; comparing said travel expense with a travel expense criteria in real time with said computer processor; and supplying said comparison to a user with said computer processor while said traveler is in route between said first location and said second location. **(See new independent claim 62).** The support for the new claim is the same as provided above in paragraphs 1 and 2 for claims 1 and 2, respectively. In contrast, the '808 Fredericks publication proposes a non-real time "after the fact" method to match expense report data with other travel data to determine consistency for reimbursement purposes. The '808 Fredericks publication does not propose a method that may be used at the point of booking, while en route travel is taking place, or at the point in time that an exception to a predetermined travel criteria occurs.

7. Providing an itinerary for said traveler to said computer processor before said traveler is in route between said first location and said second location; identifying a change in said itinerary in real time with said computer processor using said travel expense and said itinerary while said traveler is in route between said first location and said second location; and displaying said change in itinerary in real time with said computer processor while said traveler is in route between said first location and said second location. **(See new dependent claim 63).** The support for the new claim is the same as provided above in paragraphs 1 and 2 for claims 1 and 2, respectively, and additionally includes the following: "The system will also provide an unprecedented ability to track corporate travelers on the road, including tracking all deviations travelers make from their originally booked itineraries on a real time basis." (¶ 23; underlining

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added) "Previously no application has been built which integrates travel data and corporate card data on an <u>itinerary-by-itinerary basis,</u> highlighting specific data which is critical to the maintenance of a well run, highly controlled travel program – as well as improving negotiating leverage with travel suppliers." (¶ 102; underlining added) In contrast, the '808 Fredericks publication proposes a non-real time "after the fact" method to match expense report data with other travel data to determine consistency for reimbursement and vendor payment purposes. The '808 Fredericks publication does <u>not</u> propose a method that may be used at the point of booking, <u>while en route travel is taking place, or at the point in time that an exception to a predetermined travel criteria occurs.</u>

Claims 1-4, 59 and 62-63 are allowable for the reasons discussed above. In addition, claims 2-26 depend from claim 1, which as discussed above should be allowable. The rejected claims 1-26 and the new claims 59-62 are not obvious over the prior art.

New Claims

New claims 59-65 have been added to give Applicants the scope of coverage to which they are entitled.
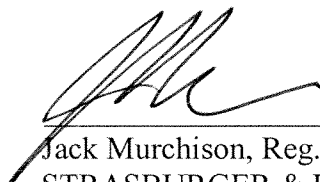

CONCLUSION

Applicants respectfully submit that all claims are now allowable, and that the case should be advanced to issuance.

The foregoing remarks are intended to assist the Office in examining the application and in the course of explanation may employ shortened or more specific or variant descriptions of some of the claim language. Such descriptions are not intended to limit the scope of the claims; the actual claim language should be considered in each case. Furthermore, the remarks are not to be considered to be exhaustive of the facets of the invention which are rendered patentable, being only examples of certain advantageous features and difference which Applicants' attorney chooses to mention at this time.

Applicants respectfully submit that all issues have been adequately addressed, that all claims are allowable, and that the case should be advanced to issuance. If the Examiner has any questions or wishes to discuss the claims or remarks, Applicants encourage the Examiner to call the undersigned at the telephone number indicated below.

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Date: March 18, 2011   Respectfully submitted,

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